

058 - PUBLIC DEFENDER

Operational Summary

Mission:

The mission of the Offices of the Public Defender is to provide high quality legal representation to clients in a cost-effective manner.

Strategic Goals:

- The goal of the Offices of the Public Defender is to protect the constitutional rights, privileges and freedoms of individuals by providing the highest quality legal advocacy for all clients in the courts of Orange County in a cost-effective manner.
- This goal will be achieved through the efforts of the staff in each of the primary units of the Offices of the Public Defender. These efforts focus on a variety of activities:
- Representing indigent clients in felony and misdemeanor cases in the criminal courts. This representation is provided by each of the three independent units of the Offices of the Public Defender. Advocating and protecting the rights of individuals by ensuring that they are treated fairly and equitably in the Mental Health Courts of Orange County.
- Providing high quality representation for clients in each of the Collaborative Courts of Orange County. Advocating the parental rights of clients by providing high quality legal representation in dependency cases.

Key Outcome Indicators:

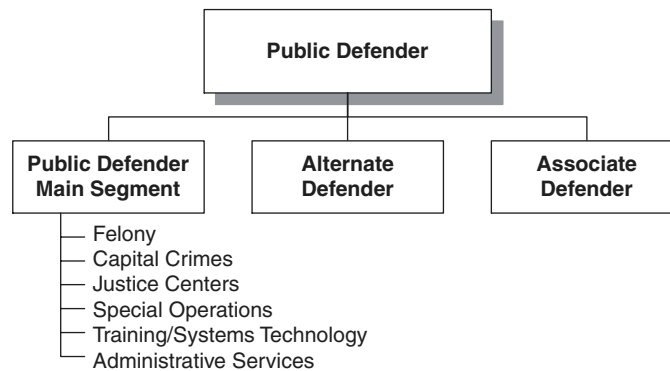
Performance Measure	2004 Business Plan	2005 Business Plan	How are we doing?
	Results	Target	
INDEX RATING USED INTERNALLY AS A METHOD TO EVALUATE LEVEL OF SERVICES PROVIDED IN CRIMINAL CASES. What: An internal measurement tool to monitor and evaluate quality representation by the Public Defender. Why: The mission of the Public Defender is to provide high quality legal representation to clients.	Maintained high quality and efficient representation in all criminal courts consistent with relevant State Bar, NLADA, and American Bar Association Guidelines and continued to work toward compliance with each of these.	To continue to maintain high quality and efficient representation in all criminal courts consistent with relevant State Bar, NLADA, and American Bar Association Guidelines and continue to work toward compliance with each of these.	Developed guidelines and completed pilot program in 2002. Necessary adjustments were made during the process. First year findings show above satisfactory performance levels.

FY 2004-05 Key Project Accomplishments:

- The department participated in the development of the Orange County Outreach Court, designed to assist the homeless population in Orange County.
- Telephone costs were reduced by the installation of 800 numbers at branch office locations which reduced the number of collect telephone calls from clients.

- The department successfully utilized the "Vertical Defense of Indigents" grant from the Governor's Office of Criminal Justice Planning for the defense of clients prosecuted by the District Attorney's "Statutory Rape Vertical Prosecution Unit."
- The Information Technology (IT) section hosted a vendor fair twice during the year 2004. This vendor fair brought together 24 vendors and multiple County agencies along with the Public Defender's staff to view new products and technology.
- Attorney and investigator staff was reallocated to handle the increased number of complex felony cases.
- An investigator procedures and resources training manual was developed.
- Department managers participated on a Children's Services Coordination Committee designed to improve services for children.
- The department's participation in the Proposition 36 and Drug Courts has assisted in helping an increased number of participants become productive, law abiding members of society.
- A Mental Health "frequently asked questions" (FAQ) page was added to the Public Defender intranet web site.
- The department has been an active participant in the Orange County Mental Health Coalition, promoting client issues among the County's various mental health providers and consumer organizations.
- Several managers participated on committees throughout the County which strengthens involvement in legal organizations and on County policy matters, to advance the interests of clients and staff.
- Numerous Public Defender staff participated in the County Mentoring Program by volunteering time to work with the children at Pio Pico Elementary School.
- Deputy Alternate Defender Frank Ospino was named Public Defender of the Year by the California Attorneys for Criminal Justice organization.
- The department collaborated with other agencies in the planning and development of a Drug Court for parents of dependent children to provide treatment programs for parents and aid in the reunification of families.
- The department participated in the development of the DUI Court pilot program which began operation in October 2004 in the Newport Beach facility of the Harbor Judicial District.
- The department increased the amount of money contributed to the United Way during the County sponsored 2004 United Way campaign.
- Over thirty attorneys volunteered evening hours to provide assistance for the homeless at the Armory during the winter months.
- In November 2004 the department sponsored and tutored two high school age teams of incarcerated youth in the Constitutional Rights Foundation Mock Trial competition, while others assisted in coaching high school Mock Trial teams.
- Public Defender staff represented juvenile and adult clients charged under the Juvenile Court's new Truancy Prevention Program without additional staffing.
- The department continued to use volunteer and course credit intern staff to assist with the staff workload. Public Defender staff participated in the multi-agency California Youth Authority review.
- Two members of senior management attended and completed the Orange County Leadership Academy.

Organizational Summary



The Offices of the Public Defender consist of three distinct and separate law offices. These are the Public Defender Office, the Alternate Defender Office, and the Associate Defender Office.

Public Defender Main Segment

The Public Defender Office - The main unit is referred to as the Public Defender Office and is made up of several distinct sections. In the Santa Ana main office at 14 Civic Center Plaza are the felony panel, the writs and appeals section, the W&I Code Section 6600 section, the capital case section, the training section, the computer systems section and senior managers. In a separate Santa Ana location is the Mental Health section, and in the City of Orange there is a juvenile court branch consisting of the child dependency section and the delinquency section. There are also five branch offices located in Fullerton (North Justice Center), Santa Ana (Central Justice Center), Westminster (West Justice Center), Newport Beach (Newport Beach Facility of the Harbor Justice Center), and Laguna Niguel (Laguna Niguel Facility of the Harbor Justice Center). Attorneys and support staff work at each of these locations. The main unit provides representation in approximately 69,200 cases annually. These include misdemeanor and felony criminal cases, Juvenile Court cases, and Mental Health cases.

Alternate Defender - The Alternate Defender Office is located in Santa Ana, and handles the first level of conflict cases (except for cases arising in Juvenile Court). There are approximately twenty lawyers employed in the Alternate Defender office, with a full complement of support staff (investigators, paralegals, interviewers, and clerical person-

nel primarily). The Alternate Defenders represent clients who, because of a conflict of interest, cannot be represented by the main unit, often because more than one defendant is charged. The Alternate Defender represents about 4,300 clients annually.

Associate Defender - The Associate Defender Office is located in Santa Ana and is staffed by two lawyers, with a small support staff. This unit handles complex cases (including capital cases). These are cases that, because of a conflict of interest, would previously have been handled by court-appointed private lawyers at greater cost.

Public Defender Executive Mgmt - Department Head and immediate support staff.

Ten Year Staffing Trend:



Ten Year Staffing Trend Highlights:

- Staffing trends for the Public Defender often reflect demographic, economic, and sociopolitical changes. As a result of the bankruptcy in January of 1995 the Board

of Supervisors directed that the Office of the Public Defender be divided into three independent units. The newly created units undertook representation of conflict clients previously represented by court-appointed private lawyers, and the intended effect of this change was to produce annual savings to County taxpayers. The net effect of segmentation in the first year was a savings of \$6M and savings have since been approximately \$6-7 million annually.

- Other changes in staffing have occurred in response to court consolidation, the three strikes law, the expansion of the drug courts throughout the County, implementation of Proposition 36, appropriate representation of clients in the arraignment courts, and the development of several specialized courts to deal with the root causes of crimes.
- The fiscal year 2005-06 Net County Cost target is not adequate for the Public Defender to continue to maintain the current level of service. The Public Defender has absorbed an increase in felony cases last fiscal year by 13% in addition to the 16% growth the prior fiscal year, for a total of approximately 6000 new felony cases in just two years, with no additional staff. Of these complex felony cases, a rise in the number of homicide cases has also occurred. This increase in the number of homicide and complex felonies last year has had a major impact upon staff caseloads in the Superior Court unit. These complex cases often take years to prepare and resolve and require staff with considerable experience as well as case preparation, investigation, and research in order to adequately represent clients facing such serious charges. An augmentation to expand the Superior Court unit staff is required to handle these additional complex cases.
- Another major factor is the expansion and development of several specialized courts to deal with the root causes of crimes. These specialty courts require a great deal of attorney time to adequately represent clients, monitor client participation, assist clients with program resources and qualifications of enrollment. Two augmentations have been submitted which request additional attorney and paralegal staff to work in these specialized courts.
- Future staffing needs could arise as a result of continually rising caseloads, changes in legislation, new program developments, trends in overall population increases in the County, economic hardship and/or unemployment, and other factors that affect caseloads.

Budget Summary

Plan for Support of the County's Strategic Priorities:

The County continues to face significant budget impacts due to the State budget reductions and the deferral of mandate reimbursement. These impacts are felt by all agencies in the County. The property tax issue and vehicle license payment are expected to have an impact upon the County General Fund again this fiscal year which is the primary source of funding for the Offices of the Public Defender.

The Public Defender's Office participated in the multi-phase plan for budget reductions in 2003 absorbing the shortfall from the deferral of mandate reimbursement for Public Defender services and reducing funding requested from the capital project program.

From fiscal year (FY) 2002-03 through FY 2003-04 the Public Defender absorbed significant increases in felony case-loads over two years without additional staff. Every effort has been made to absorb this increasing number of serious cases including the reallocation of staff and the filling of vacant positions.

CEO Real Estate has one County Strategic Priority that affects the Public Defender, the build-out of Building 16 in the Santa Ana Civic Center. The building is currently vacant and under utilized. The Public Defender would use the entire building for staff currently in leased space in the Civic Center area in Santa Ana if the County completes the build-out. If the County moves forward with the build-out of Building 16, the Public Defender would use the entire building for staff occupying space in the Civic Center area.

Changes Included in the Recommended Base Budget:

To achieve the Net County Cost target without augmentations, the Public Defender would not be able to provide the current level of services required to represent clients appointed to the Public Defender by the courts.

In the past five years the Public Defender has seen a substantial growth in the number of felony cases. The Public Defender has absorbed an additional 6000 felony cases in just two years, with no additional staff positions. Of these complex felony cases, a rise in the number of homicide cases has also occurred. This increase in the number of homicides and complex felony cases last year has had a major impact upon staff caseloads in the Superior Court unit. Another

major factor is the expansion and development of specialized courts to deal with the root causes of crimes. These specialty courts require a great deal of attorney time to adequately represent clients, monitor client participation, assist clients with program resources and qualifications of enrollment. Augmentations have been submitted which request the additional resources required to fulfill department obligations.

Requested Budget Augmentations and Related Performance Results:

Unit Amount	Description	Performance Plan	Brass Ser.
INCREASE APPROPRIATIONS TO MAINTAIN CURRENT LEVEL OF SERVICE Amount:\$ 1,784,000	To provide funding to support the increased caseloads that have been absorbed in FY 03-04 & FY 04-05.	Maintain current level of service.	115
ADD 1 PARALEGAL, 3 DEPUTY ATTORNEY IVs & 2 DEFENSE INVESTIGATOR IIIs FOR INCREASING FELONY CASELOAD Amount:\$ 656,812	To provide funding and staff to handle the continued increase in felony caseloads.	The Public Defender will continue to meet their baseline rating of 96%.	1091
ADD 1 PARALEGAL & 1 ATTORNEY III FOR DOMESTIC VIOLENCE COURT Amount:\$ 185,672	To provide staffing to handle cases at the new Domestic Violence Court.	The Public Defender will continue to meet their baseline proficiency index rating of 96%.	1092
ADD 1 ATTORNEY III & 1 PARALEGAL FOR SPECIALTY COURTS Amount:\$ 185,672	To provide staffing to handle caseloads at several new Specialty Courts that are being established.	The Public Defender will continue to meet their baseline proficiency index rating of 96%.	1093

Proposed Budget History:

Sources and Uses	FY 2003-2004	FY 2004-2005	FY 2004-2005	FY 2005-2006	Change from FY 2004-2005	
	Actual	Budget As of 3/31/05	Projected ⁽¹⁾ At 6/30/05	Recommended	Projected Amount	Percent
Total Positions	-	384	384	384	0	0.00
Total Revenues	3,262,012	3,169,859	3,169,859	3,448,750	278,891	8.79
Total Requirements	44,620,374	47,758,161	47,698,150	48,643,601	945,451	1.98
Net County Cost	41,358,361	44,588,302	44,528,291	45,194,851	666,560	1.49

(1) Requirements include prior year encumbrance and expenditures. Therefore, the above totals may not match FY 2004-05 projected requirements included in "At a Glance" (Which exclude these).

Detailed budget by expense category and by activity is presented for agency: Public Defender in the Appendix on page page 521

Highlights of Key Trends:

- The Offices of the Public Defender provide high quality legal representation in a cost effective and fiscally responsible manner. People who come before the court in criminal, juvenile, dependency, and mental health matters are entitled by law to have counsel appointed to represent them when they lack the resources to hire an attorney. This right arises out of the United States Constitution, the California Constitution, Penal Code Section 987, and other statutes. If the Public Defender is unavailable the courts are required to appoint private counsel at county expense.
- The Public Defender is under directive of the Board of Supervisors to continue to accept cases appointed by the courts and not to get off cases without first notifying the CEO and Board of Supervisors.

- Caseloads trends continue to reflect significant growth over the past several years. In the last three years the Public Defender has absorbed a large increase in the number of felony cases without adding staff positions. The trend is continuing in 2004-05 and the department cannot continue to increase caseloads without additional resources.
- The Public Defender remains committed to the mission and goal set out in the department's Business Plan. The services provided continue to be based upon ethical, practical, and efficient values that are consistent with County policies and procedures under the direction of strategic initiatives and sound business practice guidelines.

Budget Units Under Agency Control:

No.	Agency Name	Public Defender Main Segment	Alternate Defender	Associate Defender	Public Defender Executive Mgmt	Total
058	Public Defender	43,474,589	4,255,443	608,096	305,473	48,643,601
15N	Delta Special Revenue	59,362	0	0	0	59,362
	Total	43,533,951	4,255,443	608,096	305,473	48,702,963

058 - Public Defender

Summary of Proposed Budget by Revenue and Expense Category:

Revenues/Appropriations	FY 2003-2004		FY 2004-2005	FY 2004-2005	Change from FY 2004-2005						
	Actual	Budget	Projected ⁽¹⁾	FY 2005-2006	Projected						
		As of 3/31/05	As of 6/30/05	Recommended	Amount	Percent					
Intergovernmental Revenues	\$	2,620,248	\$	2,719,859	\$	2,998,750	\$	278,891	10.25%		
Charges For Services		651,645		450,000		423,960		450,000	26,040	6.14	
Miscellaneous Revenues		55,862		0		26,040		0	(26,040)	-100.00	
Other Financing Sources		(65,743)		0		0		0	0	0.00	
Total Revenues		3,262,012		3,169,859		3,169,859		3,448,750	278,891	8.79	
Salaries & Benefits		39,683,653		41,608,825		41,590,825		43,251,444	1,660,619	3.99	
Services & Supplies		5,035,411		6,154,425		6,113,073		5,397,246	(715,827)	-11.70	
Fixed Assets		51,335		70,000		69,341		70,000	659	0.95	
Intrafund Transfers		(150,025)		(75,089)		(75,089)		(75,089)	0	0.00	
Total Requirements		44,620,374		47,758,161		47,698,150		48,643,601	945,451	1.98	
Net County Cost	\$	41,358,361	\$	44,588,302	\$	44,528,291	\$	45,194,851	\$	666,560	1.49%

(1) Requirements include prior year encumbrance and expenditures. Therefore, the above totals may not match FY 2004-05 projected requirements included in "At a Glance" (Which exclude these).

Proposed Budget Summary of Public Defender Main Segment:

Revenues/Appropriations	FY 2003-2004		FY 2004-2005	FY 2004-2005	Change from FY 2004-2005		
		Budget		Projected ⁽¹⁾	FY 2005-2006	Projected	
	Actual	As of 3/31/05	As of 6/30/05	Recommended	Amount	Percent	
Intergovernmental Revenues	\$ 2,620,248	\$ 2,719,859	\$ 2,719,859	\$ 2,998,750	\$ 278,891	10.25%	
Charges For Services	651,645	450,000	423,960	450,000	26,040	6.14	
Miscellaneous Revenues	55,862	0	26,040	0	(26,040)	-100.00	
Other Financing Sources	(65,743)	0	0	0	0	0.00	
Total Revenues	3,262,012	3,169,859	3,169,859	3,448,750	278,891	8.79	
Salaries & Benefits	34,994,004	37,099,993	36,681,846	38,161,248	1,479,402	4.03	
Services & Supplies	4,943,619	6,125,625	6,113,073	5,318,430	(794,643)	-12.99	
Fixed Assets	51,335	70,000	69,341	70,000	659	0.95	
Intrafund Transfers	(150,025)	(75,089)	(75,089)	(75,089)	0	0.00	
Total Requirements	39,838,933	43,220,529	42,789,171	43,474,589	685,418	1.60	
Net County Cost	\$ 36,576,921	\$ 40,050,670	\$ 39,619,312	\$ 40,025,839	\$ 406,527	1.02%	

Proposed Budget Summary of Alternate Defender:

	FY 2003-2004		FY 2004-2005		FY 2004-2005		Change from FY 2004-2005				
			Budget		Projected ⁽¹⁾		Projected				
Revenues/Appropriations		Actual		As of 3/31/05		As of 6/30/05		Recommended	Amount	Percent	
Salaries & Benefits	\$	3,822,442	\$	3,666,289	\$	4,058,973	\$	4,199,535	\$	140,562	3.46%
Services & Supplies		56,675		14,400		0		55,908		55,908	0.00
Total Requirements		3,879,117		3,680,689		4,058,973		4,255,443		196,470	4.84
Net County Cost	\$	3,879,117	\$	3,680,689	\$	4,058,973	\$	4,255,443	\$	196,470	4.84%

Proposed Budget Summary of Associate Defender:

Revenues/Appropriations	FY 2003-2004		FY 2004-2005	FY 2004-2005	FY 2005-2006	Change from FY 2004-2005					
			Budget	Projected ⁽¹⁾		Projected					
	Actual		As of 3/31/05	As of 6/30/05	Recommended	Amount	Percent				
Salaries & Benefits	\$	585,074	\$	561,467	\$	573,169	\$	595,892	\$	22,723	3.96%
Services & Supplies		27,267		7,200		0		12,204		12,204	0.00
Total Requirements		612,341		568,667		573,169		608,096		34,927	6.09
Net County Cost	\$	612,341	\$	568,667	\$	573,169	\$	608,096	\$	34,927	6.09%

Proposed Budget Summary of Public Defender Executive Mgmt:

Revenues/Appropriations	FY 2003-2004		FY 2004-2005	FY 2004-2005	Change from FY 2004-2005		
	Actual	Budget	Projected ⁽¹⁾	FY 2005-2006	Projected		
		As of 3/31/05	As of 6/30/05	Recommended	Amount	Percent	
Salaries & Benefits	\$	282,132	\$ 281,076	\$ 276,837	\$ 294,769	\$ 17,932 6.47%	
Services & Supplies		7,850	7,200	0	10,704	10,704 0.00	
Total Requirements		289,982	288,276	276,837	305,473	28,636 10.34	
Net County Cost	\$	289,982	\$ 288,276	\$ 276,837	\$ 305,473	\$ 28,636 10.34%	